

Amendment Under 37 C.F.R. § 1.114(c)
Serial No.: 10/799,888
Sughrue Ref: Q79842

REMARKS

Upon entry of the present Amendment, claims 1-5, 7, and 9-17 are all the claims pending in the application.

Initially, Applicant notes the Examiner has checked the boxed objecting to the specification but failed to include any specifics.

With respect to the claim rejections, Applicant notes that claim 1 has been amended to incorporate the limitation of claim 6 and to make it clear that “the head” in line 3 of the claim 1 is the capping head. Claim 1 is specific to the fact that the capping head comprises a casing having an end mouth designed to fit on the bottle or container so as to define a closed chamber, the closed chamber encloses the capping head and means are provided for connecting the closed chamber with a source of vacuum for the purpose of communicating said vacuum to the space inside the bottle or container before the end of application of the cap on the bottle or container. The casing is mounted on the capping head so as to be movable therewith toward and away from a bottle or container. The end mouth of the casing is provided with a seal ring so that the closed chamber is defined by the casing when the seal ring engages the bottle or container as a result of the lowering movement of the capping head onto the bottle or container.

Stahlecker, which was applied against the claims in the last Office Action, fails to disclose anything even resembling the arrangement of the present invention. The casing of Stahlecker completely encloses the container and does not even suggest a casing having an end mouth provided with a seal ring, which engages the bottle or container as a result of lowering the casing onto the bottle or container. In Stahlecker, the container is completely enclosed within

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the casing. The Examiner has attempted to read the claim on the capping head 20 of Stahlecker as the casing which sealingly engages the container. There is no sealing connection what so ever between the capping head of Stahlecker and the container. Therefore it is submitted that claims 1-5 and 7 are clearly patentable over the teaching of Stahlecker. Therefore it is respectfully requested that these claims be allowed in the application past the issue forthwith.

Applicant has added new claims 9-17 to provide additional claim coverage merited by the scope of the invention. Applicant submits that new claims 9-17 are allowable at least because the combination of features are not taught or suggested by the applied art.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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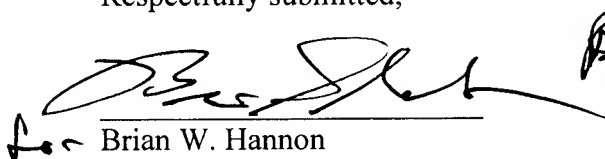
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